

ASSEMBLY BILL

No. 1314

Introduced by Assembly Member Parra

February 21, 2003

An act to amend Section 290.3 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, as introduced, Parra. Sex offenders.

Existing law requires persons convicted of certain specified sexual offenses to register with local law enforcement officials, as specified. Existing law also requires these persons to pay a fine, in addition to any imprisonment or fine imposed for commission of the underlying offense, in the amount of \$200 for a first conviction, and \$300 for a 2nd or subsequent conviction. These additional fines are transferred to the Sexual Habitual Offender Fund, the DNA Testing Fund, and counties that maintain a local DNA testing laboratory.

This bill would increase the amount of these fines to \$300 for a first conviction and \$500 for a 2nd or subsequent conviction.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 290.3 of the Penal Code is amended to
2 read:
3 290.3. (a) Every person who is convicted of any offense
4 specified in subdivision (a) of Section 290 shall, in addition to any
5 imprisonment or fine, or both, imposed for ~~violation~~ *commission*

1 of the underlying offense, be punished by a fine of ~~two~~ *three*
2 hundred dollars ~~(\$200)~~ *(\$300)* upon the first conviction or a fine
3 of ~~three~~ *five* hundred dollars ~~(\$300)~~ *(\$500)* upon the second and
4 each subsequent conviction, unless the court determines that the
5 defendant does not have the ability to pay the fine.

6 An amount equal to all fines collected pursuant to this
7 subdivision during the preceding month upon conviction of, or
8 upon the forfeiture of bail by, any person arrested for, or convicted
9 of, committing an offense specified in subdivision (a) of Section
10 290, shall be transferred once a month by the county treasurer to
11 the Controller for deposit in the General Fund. Moneys deposited
12 in the General Fund pursuant to this subdivision shall be
13 transferred by the Controller as provided in subdivision (b).

14 (b) Out of the moneys deposited pursuant to subdivision (a) as
15 a result of second and subsequent convictions of Section 290,
16 one-third shall first be transferred to the Department of Justice
17 Sexual Habitual Offender Fund, as provided in paragraph (1) of
18 this subdivision. Out of the remainder of all moneys deposited
19 pursuant to subdivision (a), 50 percent shall be transferred to the
20 Department of Justice Sexual Habitual Offender Fund, as provided
21 in paragraph (1), 25 percent shall be transferred to the Department
22 of Justice DNA Testing Fund, as provided in paragraph (2), and 25
23 percent shall be allocated equally to counties that maintain a local
24 DNA testing laboratory, as provided in paragraph (3).

25 (1) Those moneys so designated shall be transferred to the
26 Department of Justice Sexual Habitual Offender Fund created
27 pursuant to paragraph (5) of subdivision (b) of Section 11170 and,
28 when appropriated by the Legislature, shall be used for the
29 purposes of Chapter 9.5 (commencing with Section 13885) and
30 Chapter 10 (commencing with Section 13890) of Title 6 of Part 4
31 for the purpose of monitoring, apprehending, and prosecuting
32 sexual habitual offenders.

33 (2) Those moneys so designated shall be directed to the
34 Department of Justice and transferred to the Department of Justice
35 DNA Testing Fund, which is hereby created, for the exclusive
36 purpose of testing deoxyribonucleic acid (DNA) samples for law
37 enforcement purposes. The moneys in that fund shall be available
38 for expenditure upon appropriation by the Legislature.

39 (3) Those moneys so designated shall be allocated equally and
40 distributed quarterly to counties that maintain a local DNA testing

1 laboratory. Before making any allocations under this paragraph,
2 the Controller shall deduct the estimated costs that will be incurred
3 to set up and administer the payment of these funds to the counties.
4 Any funds allocated to a county pursuant to this paragraph shall be
5 used by that county for the exclusive purpose of testing DNA
6 samples for law enforcement purposes.

7 (c) Notwithstanding any other provision of this section, the
8 Department of Corrections or the Department of the Youth
9 Authority may collect a fine imposed pursuant to this section from
10 a person convicted of a violation of any offense listed in
11 subdivision (a) of Section 290, that results in incarceration in a
12 facility under the jurisdiction of the Department of Corrections or
13 the Department of the Youth Authority. All moneys collected by
14 the Department of Corrections or the Department of the Youth
15 Authority under this subdivision shall be transferred, once a
16 month, to the Controller for deposit in the General Fund, as
17 provided in subdivision (a), for transfer by the Controller, as
18 provided in subdivision (b).

